

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

CODY LEAVITT, )  
Plaintiff, ) Case No.: 2:13-cv-00490-GMN-CWH  
vs. )  
HAROLD WICKHAM, *et al.*, )  
Defendants. )  
)  
)  
**ORDER**

Pending before the Court is the Motion to Reconsider (ECF No. 54) filed by Plaintiff Cody Leavitt (“Plaintiff”). The motion has been fully briefed.

On February 3, 2015, this Court entered an Order granting Defendants' Motion for Summary Judgment. (*See* ECF No. 52). Shortly thereafter, Plaintiff filed the instant Motion to Reconsider.

“[A] motion for reconsideration should not be granted, absent highly unusual circumstances.” *Carroll v. Nakatani*, 342 F.3d 934, 945 (9th Cir. 2003) (citation omitted). Reconsideration is appropriate where: (1) the court is presented with newly discovered evidence, (2) the court committed clear error or the initial decision was manifestly unjust, or (3) if there is an intervening change in controlling law. *School Dist. No. 1J, Multnomah County v. ACandS, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993). However, a motion for reconsideration is not a mechanism for rearguing issues presented in the original filings, *Backlund v. Barnhart*, 778 F.2d 1386, 1388 (9th Cir. 1985), or “advancing theories of the case that could have been presented earlier, *Resolution Trust Corp. v. Holmes*, 846 F. Supp. 1310, 1316 (S.D. Tex. 1994) (footnotes omitted). Thus, Rule 59(e) and 60(b) and are not “intended to give an unhappy litigant one additional chance to sway the judge.” *Durkin v. Taylor*, 444 F. Supp. 879, 889

(E.D. Va. 1977).

The Court has reviewed the prior Order and the arguments presented by Plaintiff in his Motion and has not found any reason to overturn this Court's previous Order. Plaintiff appears simply to claim that the Court committed clear error in its determination and attempts to reargue and expound upon the issues presented previously. The Court considered and addressed these issues in its prior Order (ECF. No. 52), and Plaintiff's reiteration here does not constitute facts or law of a strongly convincing nature supporting a reversal. Accordingly, Plaintiff's Motion to Reconsider is DENIED.

## **CONCLUSION**

**IT IS HEREBY ORDERED** that Plaintiff's Motion to Reconsider (ECF No. 54) is **DENIED**.

**DATED** this 7th day of August, 2015.

Gloria M. Navarro, Chief Judge  
United States District Judge